

# Exhibit F

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 -----x

4 SALLY W. TARQUINIO, :

5 -v- Plaintiff, : Civil Action No.:

6 JOHNS HOPKINS UNIVERSITY : 1:23-CV-00727-RDB

7 APPLIED PHYSICS LABORATORY, :

8 Defendant. :

9 -----x

10  
11 Remote Videotaped Deposition of

12 MARK SIVIERI, M.D.

13 Thursday, November 9, 2023

14 12:13 P.M. EST

15  
16  
17  
18  
19  
20 Job No.: 510184

21 Pages: 1 - 45

22 Reported by: Fazier Walle, Stenographic Reporter

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

4

C O N T E N T S

EXAMINATION OF MARK SIVIERI, M.D.	PAGE
By Mr. Ross	7

E X H I B I T S

SIVIERI, M.D. DEPOSITION EXHIBIT	PAGE
Ex. 1 Office Note, Ms. Dudley, 11/15/21	20
Ex. 2 Report, LabCorp, 11/5/21	27
Ex. 3 Emails, "Additional Information," 12/3-12/5/21	32
Ex. 4 Notice of Deposition by Written Questions, 8/30/23	35

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

17

1           A.    The appropriate answer to that question is  
2   of -- you know, I work with my PA, I supervise my  
3   PA, my PA kind of hallway conversed with me about  
4   the case, and then obviously I've read the case  
5   notes four or five times due to multiple legal  
6   situations and multiple, multiple subpoenas that  
7   have been to my office. So obviously I got back  
8   online and refresh my memory about what happened  
9   when she came back to us recently. So that's the  
10   extent of that.

12:24:05  
12:24:07  
12:24:11  
12:24:17  
12:24:20  
12:24:23  
12:24:29  
12:24:33  
12:24:36  
12:24:38

11          Q.    So having reviewed those notes and read  
12   the case documents, what do you understand her  
13   condition to be that's central to this case?

12:24:39  
12:24:41  
12:24:43

14          A.    That's a good question. The answer is I  
15   have no idea. And there's nothing in the laboratory  
16   testing that was done by my office that would give  
17   her any diagnosis. So the answer is no, I do not  
18   have any specific condition that she has at the  
19   current time.

12:24:45  
12:24:50  
12:24:54  
12:24:57  
12:25:00  
12:25:04

20          Q.    Okay. Great.

12:25:04

21                Are you -- well, strike that. Let me back  
22   up.

12:25:10  
12:25:13

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

23

1	A. I do.	12:30:49
2	Q. Okay. It says "She submitted her old	12:30:49
3	medical records to her employer in order to get an	12:30:52
4	exemption from the COVID vaccine. She works at	12:30:54
5	[APL] as an engineer. They are requiring a letter	12:30:57
6	from a doctor attesting to the fact that her medical	12:31:00
7	issues are reason to exempt her from the	12:31:04
8	vaccination. Her reasoning is that any immune	12:31:07
9	system challenge (such as from a vaccine) will flare	12:31:07
10	up her chronic lyme." Do you see that?	12:31:07
11	A. Yep, I do.	12:31:15
12	Q. Do you -- do you know who wrote this?	12:31:15
13	A. Yes, Lynn Dudley wrote that.	12:31:17
14	Q. All right. If we scroll to the bottom of	12:31:22
15	page 1, it says "Treatment Plan." Do you see that?	12:31:26
16	A. Yes, I do.	12:31:29
17	Q. Fair to say Ms. Dudley wrote this as well?	12:31:30
18	A. Yes, she did.	12:31:33
19	Q. And the line under "Treatment Plan" reads	12:31:35
20	"Patient will have to have conclusive lab results	12:31:38
21	which show that she has [an] active infection in	12:31:40
22	order to qualify for exemption to COVID vaccine, and	12:31:42

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

24

1	that would only be temporary." Do you see that?	12:31:50
2	A. Yes, I do.	12:31:52
3	Q. Did Ms. Dudley run this treatment plan by	12:31:54
4	you before documenting it?	12:31:58
5	A. Yes, she -- yes, she did. But I mean,	12:32:00
6	it's a little nuanced, that she might have written	12:32:03
7	it and then asked me and I said it was okay. But	12:32:07
8	yes, she ran it by me.	12:32:10
9	Q. Okay. So you agree with the -- with the	12:32:12
10	treatment plan?	12:32:14
11	A. A hundred percent, yes.	12:32:15
12	Q. Okay. So we're going to break apart this	12:32:19
13	sentence here.	12:32:23
14	It says "Patient will need to have	12:32:25
15	conclusive lab results which...she has [an] active	12:32:28
16	infection in order to qualify for exemption to COVID	12:32:34
17	vaccine." So what does that -- what does that mean?	12:32:40
18	A. So an "active infection" would be defined	12:32:48
19	as having -- and what Lynn Dudley was accomplishing	12:32:51
20	and what we were accomplishing would be an	12:32:59
21	IgM-positive result for one of the tick-borne	12:33:01
22	diseases that were tested for on that day. That's	12:33:06

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

26

1	Q.	And then the last -- the last part of that	12:34:41
2		sentence says "and that would only be temporary."	12:34:43
3		Do you see that?	12:34:46
4	A.	Yes, I do.	12:34:47
5	Q.	Okay. So can you -- can you explain to me	12:34:48
6		what that part of the sentence means?	12:34:50
7	A.	It means that if someone were to have an	12:34:54
8		active infection with, I would say, any acute	12:35:01
9		illness, whether it would be a virus or a bacterial	12:35:06
10		illness, that it would seem reasonable to delay a	12:35:11
11		vaccine until the infection is cleared. So that	12:35:14
12		sentence is referring to the fact that even if	12:35:21
13		Ms. Tarquinio had a positive IgM Lyme or other	12:35:23
14		tick-borne disease, that if this office were to have	12:35:26
15		written in a vaccine exemption, there would be a	12:35:32
16		time limit on that exemption until the active	12:35:34
17		infection was resolved, which would usually be done	12:35:39
18		by repeat blood testing.	12:35:42
19		(Reporter clarification.)	12:35:54
20	A.	Repeat -- repeat blood testing.	12:35:55
21	BY MR. ROSS:		12:35:56
22	Q.	So did you ever advise Ms. Tarquinio not	12:35:56

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

27

1	to get vaccinated from COVID?	12:36:04
2	A. No.	12:36:06
3	Q. To your knowledge, did Ms. Dudley ever	12:36:06
4	advise Ms. Tarquinio not to get vaccinated from	12:36:09
5	COVID?	12:36:11
6	A. Definitely not (low audio).	12:36:15
7	Q. Sorry. I didn't catch that.	12:36:16
8	A. Definitely not.	12:36:17
9	Q. Definitely not. Okay.	12:36:18
10	Is there anyone in your office other than	12:36:20
11	yourself and Ms. Dudley who could have advised	12:36:21
12	Ms. Tarquinio not to get vaccinated from COVID?	12:36:24
13	A. No.	12:36:28
14	MR. ROSS: Okay. Joe, can we put up	12:36:30
15	Exhibit 2, please?	12:36:34
16	A/V TECHNICIAN: Yes. Please stand by.	12:36:38
17	(Exhibit 2 was marked for identification.)	12:36:38
18	(A/V technician screen-sharing.)	10:03:53
19	A/V TECHNICIAN: Now showing you Exhibit	12:36:38
20	No. 2.	12:36:53
21	BY MR. ROSS:	12:36:55
22	Q. Okay. We'll mark -- well, this has been	12:36:56

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

29

1 for acute infection with tick-borne disease -- for  
2 tick-borne diseases.

3 Q. Okay. And did this -- did the lab work  
4 show that Ms. Tarquinio had any positive infections  
5 for Lyme or tick-borne diseases?

6 A. No, she -- it did not.

7 Q. And did it show that she had tested  
8 negative for Lyme or tick-borne diseases?

9 A. Yes.

10 Q. All right. So let's go through this  
11 quickly, recalling that that nobody but you on  
12 this -- on this screen here is a doctor, so bear  
13 with us.

14 On page 1 at the bottom, it says "Lyme  
15 Lyme Blot, Serum" -- sorry -- "Lyme Line Blot,  
16 Serum." Do you see that?

17 A. Yes, I do.

18 Q. And between this and the top of the next  
19 page, there's approximately ten alphanumeric  
20 designations. Do you see those?

21 A. Yes, I do.

22 Q. And is it fair to say that they --

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

31

1	IgM is acute infection.	12:40:24
2	Q. So is it fair to say that the IgM is a	12:40:26
3	current snapshot in time?	12:40:29
4	A. Yes.	12:40:32
5	Q. And the IgG is looking backwards?	12:40:32
6	A. Yes.	12:40:35
7	Q. Okay. And so after "Lyme IgG," it says	12:40:36
8	"Negative"; is that correct?	12:40:39
9	A. Yes, it does.	12:40:41
10	Q. Meaning, at least according to these	12:40:43
11	tests, there's no indication that she's ever had	12:40:45
12	Lyme's disease; is that correct?	12:40:49
13	A. That is correct.	12:40:50
14	Q. And then further down the page, under	12:40:51
15	"Lyme IgM Line Blot Interp," it says "Negative"	12:40:52
16	again; is that correct?	12:40:59
17	A. That is correct.	12:41:03
18	Q. And that means that at the time this test	12:41:04
19	was taken, there was no indication of active Lyme	12:41:06
20	disease in her blood; is that correct?	12:41:06
21	A. That is correct.	12:41:08
22	Q. Do you know what date this blood work was	12:41:09

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

34

1 function, which is basically one specific part of 12:43:55  
2 the immune system and how it fights and how it 12:44:00  
3 protects you. 12:44:04

4 Q. So the sentence we just -- well, strike 12:44:11  
5 that. Let me back up. 12:44:14

6 The lab results that we just looked at 12:44:16  
7 measure her CD57? 12:44:18

8 A. Yes. 12:44:21

9 Q. So Sally's email here says "My CD57 result 12:44:23  
10 is still considered an indication of chronic Lyme 12:44:28  
11 disease." Do you agree with her that the CD57 score 12:44:32  
12 she lists is an indication of chronic Lyme disease? 12:44:35

13 A. That is a complicated question, because of 12:44:42  
14 the history of this testing and how long it's been 12:44:45  
15 around. But I'll make the answer easy. And the 12:44:49  
16 answer is I do not feel -- I think that the answer 12:44:53  
17 to that is no. But like she wrote there, it is a 12:44:56  
18 controversial comment to say that a low -- well, 12:45:01  
19 what I'm saying is it's a controversial comment to 12:45:06  
20 say that low CD57 means chronic Lyme. But let me 12:45:10  
21 rephrase and say it definitely does not mean 12:45:15  
22 active -- it does not guarantee in any way, shape, 12:45:24

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

35

1 or form an active infection.

12:45:28

2 Q. So if a patient walked into your practice  
3 and handed you a CD57 score, is there any score that  
4 it could be that would allow you to look at that  
5 score and say, "This person has Lyme disease"?

12:45:31

12:45:33

12:45:38

12:45:41

6 A. If someone walked into my office and only  
7 had a CD57 count and said, "I want you to help me,"  
8 I would check them for infections -- lyme disease  
9 might be one of those infections -- but I would not  
10 diagnose the patient on the spot with Lyme disease.

12:45:47

12:45:49

12:45:52

12:46:01

12:46:04

11 Or I would never diagnose a patient with an  
12 infection on the spot with just a low CD57. There  
13 would be -- have to be collaborating evidence to  
14 show that there was active infection to diagnose  
15 that -- yes, to diagnose with an active infection.

12:46:07

12:46:10

12:46:13

12:46:16

12:46:19

16 Q. Understood.

12:46:23

17 MR. ROSS: Okay. Let's put up Exhibit 4,  
18 Joe.

12:46:26

12:46:29

19 Q. And, Dr. Sivieri, I believe this is our  
20 last one.

12:46:33

12:46:36

21 A/V TECHNICIAN: Please stand by.

12:46:39

22 (Exhibit 4 was marked for identification.)

12:46:52

Transcript of Mark Sivieri, M.D.  
Conducted on November 9, 2023

39

1 of that deficit."

12:49:35

2 Q. Do you stand by that answer as we sit here  
3 today?

12:49:37

12:49:40

4 A. Yes, I do.

12:49:40

5 MR. ROSS: Joe, I think we can put the  
6 exhibits down.

12:49:47

12:49:48

7 (A/V technician complies.)

12:49:50

8 Q. Did you ever speak to anyone from  
9 Ms. Tarquinio's employer regarding her request to be  
10 excused from the vaccine requirement?

12:49:51

12:49:54

12:49:56

11 A. No, I did not.

12:49:58

12 Q. Were you ever asked to?

12:50:01

13 A. No, I was not.

12:50:06

14 Q. Are you allowed to speak with a patient's  
15 employer without the patient's consent or  
16 authorization?

12:50:07

12:50:12

12:50:14

17 A. I actually don't know, but I would say no.

12:50:18

18 (Simultaneous speakers.)

12:50:24

19 MR. DUMOFF: If I may, that's a legal  
20 question, so I'm not sure about posing that to  
21 Dr. Sivieri. Maybe you can rephrase it.

12:50:24

12:50:26

12:50:29

# **Dr. Sivieri's Deposition Exhibit 1**

CONFIDENTIAL

Note(s) Patient: TARQUINIO, SALLY DOB: 20-Jul-1959	Turning Point Integrative Health Center
--	---

Patient Name: SALLY TARQUINIO

DOB: 20-Jul-1959

 Address: 524 SALTWORKS CT  
 ANNAPOLIS, MD, 21401

Mobile: (410) 258-4022 (approved for messages)

Email: STARQUINIO@COMCAST.NET (approved for messages)

Last Visit Date:

Provider In attendance: Lynn Dudley

### Chief Complaint

Initial consultation - Old patient

### History of Present Illness

Patient is a 62 year-old female who has a history of lyme disease in 2004 and then again in 2012. Also has issues with mold, electrohypersensitivity, heavy metal issues. Did Klinghardt protocol and was also seeing Dr. Schwartz.

She submitted her old medical records to her employer in order to get an exemption from the COVID vaccine. She works at Applied Physics Labs as an engineer. They are requiring a letter from a doctor attesting to the fact that her medical issues are reason to exempt her from the vaccination. Her reasoning is that any immune system challenge (such as from a vaccine) will flare up her chronic lyme disease.

#### ROS:

energy good  
 sleep - usually good  
 GI - bloating after meals  
 cold hands and feet  
 mildly achy joints

#### PMHx:

chronic lyme

#### Rx:

none

#### OTC:

see patient history paperwork

#### Diet:

mostly paleo

#### Habits:

coffee in the morning  
 exercise - once a week

### Treatment Plan

- Patient will need to have conclusive lab results which show that she has active infection in order to qualify for exemption to COVID vaccine, and that would only be temporary

Exhibit #

Sivieri 01

11/9/23 - JR

exhibitstickers.com

CONFIDENTIAL

Note(s) Patient: TARQUINIO, SALLY DOB: 20-Jul-1959	Turning Point Integrative Health Center
--	---

- she will get labs done today and we will follow-up through phone call next week

#### Next Appointment

Date:

Time:

#### Follow-Up Appointment Request

n/a

Date and Time of Dictation: 15-Nov-2021, 10:32AM



Provider Signature

Lynn Dudley

10005 Old Columbia Rd, Suite P170, Columbia, MD, 21046

301-367-0358

Printed: 15-Nov-21 / 10:32 AM - Patient Confidential

# **Dr. Sivieri's Deposition Exhibit 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

SALLY W. TARQUINIO

Plaintiff

v.

JOHNS HOPKINS UNIVERSITY  
APPLIED PHYSICS LAB

Defendants

CIVIL ACTION NO: 1:23-cv-00727-RDB

**PLAINTIFF'S RULE 31 NOTICE OF DEPOSITION BY WRITTEN QUESTIONS**

Pursuant to Fed. R. Civ. P. 31(a)(1) Plaintiff, by her undersigned attorney, propounds the below questions, to be answered under oath, upon:

Dr. Mark Sivieri  
Turning Point Integrative Health Center  
185 Harry S Truman, Ste 108  
Annapolis, Maryland 21401  
443-951-4300

QUESTION NO. 1: Are you a licensed physician/doctor able to practice medicine in Maryland?

ANSWER:

*see word document*



QUESTION NO. 2: Was Plaintiff Sally W. Tarquinio your patient in or around July and August 2012?

ANSWER: *See WORD Document*

QUESTION NO. 3: Is the document identified as "Plaintiff 053" and dated 7/3/2012 a document that you authored and/or signed?

ANSWER: *See WORD Document*

QUESTION NO. 4: Are the documents identified as "JHU00005" thru "JHU00014" and attached hereto the record/results of Ms. Tarquinio's lab work that you or your office ordered on or about June 30, 2012?

ANSWER: *See WORD Document*

QUESTION NO. 5: Did the results of this lab work cause you to write the above correspondence (Plaintiff 053) indicating that Sally Tarquinio's "CD57 count was low..." and that this was an indicator that her "immune system has been challenged and is not functioning optimally towards chronic infections?"

ANSWER: *See WORD Document*

QUESTION NO. 6: Can a challenged immune system as described above be a symptom or indicator – whether conclusive or not – of "immune dysregulation" or some type of immune disorder, whether permanent or temporary?

ANSWER: see WORD DOCUMENT

QUESTION NO. 7: Did Sally Tarquinio visit you or your office in or around November, 2021?

ANSWER: See WORD DOCUMENT

QUESTION NO. 8: Are the documents identified as Sivieri 0004 thru Sivieri 0022 a true and accurate record of her visit(s) and/or lab work ordered by you, your practice, or physician's assistant?

ANSWER: See WORD DOCUMENT

QUESTION NO. 9: Did the results of the lab work ordered in November, 2021, reflect Tarquinio's CD57 count and, if yes, was it higher, lower, or the same as it was in July 2012?

ANSWER: See WORD DOCUMENT

QUESTION NO. 10: Did these results from November, 2021, indicate that Sally Tarquinio's immune system was challenged in some way or to some degree on the date that her lab specimens (blood or other samples) were collected?

ANSWER: see WORD DOCUMENT

**I SWEAR AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE ANSWERS TO DEPOSITION QUESTION ARE TRUE AND ACCURATE TO THE BEST OF MY ABILITIES, RECOLLECTION, AND BELIEF.**

Signed: Mark Sivieri

Mark Sivieri, M.D.

8/30/23

Date

10005 Old Columbia Road P170  
Columbia, MD 21046



185 Harry S. Truman Pkwy #108  
Annapolis, MD 21401

Mark Sivieri, M.D.  
Lynn Dudley, PA-C.  
Chiso Uko, PA-C.  
Danielle Cheplowitz, NP.

8/30/2023

Here are the answers to the questions posed:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. A low CD-57 could be part of a larger finding of immune dysregulation but, by itself, does not rise to the level of demonstrating this when used alone.
7. She visited my office but saw my physician assistant
8. Yes
9. It was higher (improved) which indicates that this one specific portion of her immune system had improved from the last time that it was checked by my office.
10. Some authors have suggested that CD-57 is an indicator of Lyme disease but that view is highly controversial. This is a marker whose clinical significance varies widely and can only be interpreted as part of a more comprehensive lab evaluation and clinical picture. To say that it suggests there is an immune deficit is technically accurate but does not provide enough information to allow a conclusion about the clinical significance of that deficit.

A handwritten signature in black ink, appearing to read 'M. Sivieri', is located below the list of answers. The signature is fluid and cursive, with a large, stylized 'S' at the end.